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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,267	01/11/2002	John William Richardson	PU020012	7851

7590

04/26/2004

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EXAMINER

PHAN, MAN U

ART UNIT

PAPER NUMBER

2665

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

10/044,267

Applicant(s)

RICHARDSON ET AL.

Examiner

Man Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 4 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*Response to Amendment*

1. This communication is in response to applicant's 02/17/2004 response in the application of Richardson et al. for a "Method and system for notifying customer of voice mail using an ATM signaling channel from an ATM/DSL head end network" filed 01/11/2002. The proposed amendment has been entered and made of record. Claims 1-14 are pending in the application.
2. The corrected or substitute drawing were received on Feb. 17, 2004. These drawing are accepted. Applicant is advised to submit new formal drawings including changes required by the proposed drawing correction filed on Feb. 17, 2004, which has been approved by the examiner.

*Remarks*

3. Applicant's response and argument with regard to the rejection under 35 USC 103 have been considered but are moot in view of the new ground(s) of rejection, and will be examined as discussed below. Furthermore, the rejections of record under 35 U.S.C. ' 103 of the claims are withdrawn in view of the newly additional reference to Brilla et al. (US#6,389,276).  
Accordingly, This action is made Non-Final. Rejections based on the newly cited references follows:

*Claim Rejections - 35 USC ' 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 1038 and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 5-9 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeNap et al. (US#6,407,997) in view of Brilla et al. (6,389,276).

With respect to claims 1, 5 and 7, DeNap et al. discloses a novel system and method for providing remote configuration of CPE in an ATM/DSL environment according to the essential features of the claim. DeNap et al. (US#6,407,997) teaches in Fig. 1 block diagrams illustrated

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an ATM/DSL network comprising customer premise equipment (CPE 121), which delivers DSL service to the customer; a voice mail server (473) disposed remotely from the CPE (124) for storing voice message left for at least one customer, and a service controller (session manager 472) for managing system traffic (Col. 3; lines 51 plus and Col. 7, lines 26 plus). DeNap further teaches in Fig. 4 a block diagram illustrated the system operation of an ATM switch, in which residential communication hub (121), telephony hub (124), ATM switch (123) and the DSL mux (122) communicate using the ATM/DSL format. The combination of the provider agent and session manager provides numerous incoming call management capabilities. Based on these capabilities, the users can establish their own preferences and policies. The system manager 472 (service controller) would know which calls to route to voice mail based on the caller's identity. For such a call, the provider agent will not need to get a call message from session manager 472. On the other hand, the logic discussed above that handles which phone(s) to alert will be encapsulated in the provider agent (Col. 8, lines 38 plus).

However, DeNap does not expressly disclose an ATM signaling channel is employed to notify the CPE that the voicemail is awaiting to be retrieved. As well known in ATM communication network, the signaling channel s departing from the useful channels on transmission links between the individual network nodes are used for setting up and clearing down connections. The signaling channel is also used to transmit information which can be displayed to the called customer providing information about the call (*the process of notifying the CPE that the voicemail is waiting to be retrieved*). In the same field of endeavor, Brilla et al. (US#6,389,276) discloses a voicemail system for generating a notification message in response to storage of a voicemail message for a called party, comprising: a telephone switch interface for

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receiving a transferred call and corresponding forwarding data from a telephone switch of a telephone network, the telephone switch interface including a *signaling link interface* for receiving the forwarding data, including *signaling information corresponding to subscriber line information* for the called party, via a *signaling link* of a signaling network; a voice processing unit for initiating a personalized greeting for the called party, and recording a voicemail message supplied by the transferred call, in response to the forwarding data, the voice processing unit outputting a recorded message indicator in response to recording the voice mail message; a control unit for controlling operations of the voicemail system, the control unit including a table for identifying an e-mail destination address for the called party, the control unit configured for selectively generating a voicemail notification e-mail message for the called party in response to reception of the recorded message indicator; and an e-mail server for outputting the voicemail notification e-mail message to the called party via a packet switched network (See Figs. 2, 3; Col. 17, lines 30 plus).

With respect to claims 6 and 8, DeNap disclose in Fig. 4 illustrated the system operation in ATM/DSL head end network, in which the service controller is located at a central station, and wherein the customer access equipment includes one of a telephone (101, 102), a set top box and a display (See Fig. 3).

Regarding claims 9 and 12-14, they are method claims corresponding to the claims 1, 5-8 above. Therefore, claims 9 and 12-14 are analyzed and rejected as previously discussed with respect to claims 1 and 5-8 above.

One skilled in the art would have recognized the need for effectively and efficiently providing remote configuration of CPE in an ATM/DSL environment, and would have applied

Brilla's novel use of the ATM signaling channel in the voice mail notification into DeNap's teaching of the remote configuration of CPE in an ATM/DSL format. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Brilla's systems and methods for providing voice mail notification from a separate voice mail system to mobile telephone into DeNap's ATM system for providing telephony service with the motivation being to provide a method and system for notifying CPE devices of a voicemail message in an ATM/DSL.

7. Claims 2-3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeNap et al. (US#6,407,997) in view of Brilla et al. (US#6,389,276) as applied to the claims above, and further in view of Malik (US#6,456,700).

With respect to claims 2 and 3, DeNap and Brilla disclose the claimed limitations discussed in paragraph 5 above. However, DeNap and Brilla et al. do not expressly disclose the claimed feature of the routing ATM signaling channel to an appropriate customer based on a telephone number associated with a voice mail box. In the same field of endeavor, Malik (US#6,456,700) discloses in Figs 1a-1d illustrated a voicemail system (VMS) showing the interactions between a caller, a voicemail system and service node when the caller requests and receives a service, includes routing the ATM signaling channel to an appropriate customer based on a telephone number associated with a voice mail box (Col. 3, lines 21-34, and Col. 4, lines 61 plus). Furthermore, Brilla teaches in Fig. 2 is a block diagram illustrating a system 100 for providing voicemail notification from a separate voice mail system to a mobile unit. The system 100 also includes a voicemail system 110 configured for storing voicemail messages for the

subscriber of the telephone unit 104. The system maintains a voice mailbox in association with the subscriber's line, station and/or telephone number (for addressing the ATM signaling channel to the appropriate customer). In particular, the voicemail system 110 is configured in a manner similar to the voicemail system of Fig. 1, and is configured for receiving a transferred call from the PBX 102. The PBX 102 forwards an incoming call to the voicemail system 110 upon detecting a busy/no answer condition at the premises 104, and supplies signaling information (i.e., forwarding data) identifying the called party premises 104. The forwarding data is used by the voicemail system 110 to initiate a personalized greeting for the calling party, prompting the calling party to record a voicemail message in the subscriber's mailbox (Figs 2, 3; Col. 7, lines 8 plus).

Regarding claim 10, it's a method claim corresponding to the claim 2-3 above. Therefore, claim 10 is analyzed and rejected as previously discussed with respect to claims 2-3 above.

One skilled in the art would have recognized the need for effectively and efficiently providing remote configuration of CPE in an ATM/DSL environment, and would have applied Malik's advanced intelligent network in providing an interface between a voicemail service and a telephone service provider's calling name databases, and Brilla's novel use of the ATM signaling channel in the voice mail notification into DeNap's teaching of the remote configuration of CPE in an ATM/DSL format. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Malik's system and method for delivering calling name information to a voice mail system subscriber, and Brilla's systems and methods for providing voice mail notification from a separate voice mail



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system to mobile telephone into DeNap's ATM system for providing telephony service with the motivation being to provide a method and system for notifying CPE devices of a voicemail message in an ATM/DSL.

*Allowable Subject Matter*

8. Claims 4 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein the ATM signaling channel transfers an ATM cell, which includes a flag for indicating that the voice mail message waits for retrieval, as specifically recited in claims 4 and 11.

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Garland et al. (US#6,493,445) is cited to show the providing alerting/call waiting/call holding services to on-line internet users.

The Kaplan (US#6,032,039) is cited to show the apparatus and method for notification and retrieval of voice mail messages in a wireless communication system.

The Amin (US#6,014,559) is cited to show the method and system for delivering a voice mail notification to a private base station using cellular phone network.

The Gallant et al.(US#5,802,466) is cited to show the personal communication device voice mail notification apparatus and method.

The Urs et al. (US#5,711,011) is cited to show method for providing voice mail service in a dispatch radio communication system and corresponding dispatch system.

The Schmitz (US#6,301,250) is cited to show the method of operating an interface device as well as interface device and exchange with such an interface device.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (703)305-1029. The examiner can normally be reached on Mon - Fri from 6:30 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703)305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

12. *Any response to this action should be mailed to:*

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to: (703) 305-9051, (for formal communications intended for entry)

Or: (703) 305-3988 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Mphan

04/21/2004.

*Man u. Pham*  
**MAN PHAM**  
**PATENT EXAMINER**